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given the colony the greatest blow that ever it received and without speedy redress will prove incurable, the effects whereof begin to disclose themselves in their scant and miserable supplies, at most unconscionable rates and in the greatest discouragement of the whole Colony. They may not be silent that some of his Maj. commis's are contrivers and favorers of this contract, contrary to the trust reposed in them. The malicious designs now in plotting to overthrow his Maj. public Ministers who have discharged their consciences in his Maj. service with all integrity and fidelity, desire their Lordships to take their innocency into their Lords'^{bs} patronage and that the colony may not fall while it is in their charge by the sinister practices of others.

Signed by Sir Francis Wyatt, Sir Francis West, & Sir George Yeardley, Ralph Hamor, Sam'l Mathews, Wm. Clayburne, George Sandys, Abrah. Piersey, & Roger Smith. 3 pages (*Colonial Papers*, Vol. 3, No. 41.)

**Answer of Sir George Yeardley to Charges of Captain
John Martin, &c.**

(Copy from British Pub. Rec. Office.)

[Captain John Martin, who came to Virginia in the the first expedition in 1607, and remained in public life in the Colony longer than any of his companions in the early settlement, was long a thorn in the flesh to the Virginia authorities. In England he was one of the faction of the Virginia Company which was subservient to the King's wishes, and was one of those who voted to surrender the charter, and in Virginia, he was from 1616 constantly in opposition to the Governor and Assembly. Two burgesses were sent from his plantation, Martins Brandon, to the first Assembly, in 1619, but they were very properly excluded by the House, because under the terms of Martin's patent, his plantation seemed, and was claimed by him, to be exempt from the general government of the Colony. At this Assembly, objection was also made to seating the burgesses from Captain Ward's plantation, on the ground that Capt. Ward

had settled a plantation without authority to do so. They were however seated. Mr. Brown ("First Republic") thinks the grounds for not seating the burgesses from Ward's stronger than those against seating the members from Martin's, but that there must have been some wire-pulling against Martin. It is not clear, however, for what reason he comes to this conclusion. Even if the inhabitants at Ward's had been squatters, they made no objection to the full jurisdiction of the General Assembly, while Captain Martin held firmly to his patent, which exempted him from such jurisdiction. As a matter of course his delegates could not be admitted.

Before this Assembly met it was evident that there had been ill feeling between Martin and the administration in Virginia, for John Rolfe charged him with having made unjust charges against him, and "cast some aspersions on the present government."

Martin seems to have considered that Governor Sir George Yeardley was the chief cause of all his losses and difficulties in Virginia, and accordingly drew up, in England, certain charges against him. The Virginia Company referred him to Virginia for a trial on the charges, and below are given Yeardley's defense, with sundry orders, &c., relating to the case. In itself the matter is of no special importance, but the statements made by Yeardley and others throw light on the conditions at the time.]

[STATE PAPER OFFICE, Col. Vol. 3, No. 36, I.]

The answer of Sir George Yeardly, Knight, defendant, to the demands of Capt. John Martin, Esq., compⁿ, whereby he requireth recompense of wrongs done him.

To the first. The said defendant saith that he never knew that Mr. Whittakers had at any time any corne of the said complainant's but saith that Mr. Whittakers intestate,¹ he the said Defendant being then Deputy Governor of Virginia, required one Thomas Hobson who belonged to Mr. Whittakers and was as his sonn & child, kept by him in his life time, to take an In-

¹ What is probably meant, is that as Mr. Whitaker died intestate, his property was in the custody of Yeardley, as governor, until an heir appeared.

ventorie of all such goods & provisions as were then to be found in the said Mr. Whittakers' house & then to take into his safe custodie that if afterwards there did appeare any to whom the goods might more rightly belong, he should be accomptable for them, and the said defendant saith there was as far as he remembereth, found in the said house of corne tenn Barrells of eares which he verily believeth was the said Mr. Whittaker's owne corne, which corn was afterwards disposed of and spent by the same Thos. Hobson in the feeding of himself, Garrett Holland, John Flood,¹ one Reuben, all of them servants to the said Mr. Whittakers. And saith further that after the arrival of Sir Samuell Argall who succeeded the said defendant in the government of Virginia, there came into this Colony a sister of Mr. Whittakers who made enquiry after the goods of her deceased brother, but found that he left but little of value behind him. At that time also was the said complainant herein this countrie who no doubt if had then complained to Sir Samuell Argall and could have made proof that the said corne had any waise belonged unto him he might then have recovered the same. For the corne was at that time very little thereof spent. If he did not then complaine or had not had justice don him therein, the said defendant saith it was no fault of his.

To the second, the said defendant saith that he doth remember one Pope who served in his shipp as cooke entertained for that purpose by James Breet, Master of his said shipp & went also for England as he remembereth wherein, but whether the said Pope were servant to the complainant or was runn away from him the said Defend^t knoweth not, and doth further protest & will be ready to be sworn that the said complain^t never at any time to his remembrance spacke to the said Defend^t of or concerning the said Pope, nor that ever he so much as heard say that the said Pope was run away from the said complainant.

To the third, the Defend^t saith that with his knowledge or by any warrant or allowance of his there were never any kine or calves taken from the said complain^t to the use of Mr. Bargrave as he suggesteth and therefore the said Defend^t deemeth the

¹ Probably John Flood, a well known interpreter of the Indian language.

said complain' to be much mistaken in demanding allowance for any such kine or calves from him the said defendant.

To the Fourth, the said Defendant saith that he was never acquainted that the said complain' had hired any of Capt. Stallinges' men, neither did he ever heare say that the said complainant had hired any one or more of them, but saith that at his arrival to be Governor of Virginia, he found riding at anchor in this River a shipp wch. the said Defend' was given to understand belonged to Sir Ferdinando gorges, Knight, the said Stallinge being Capt. thereof which said shipp soone after the arrivall of the said defend' was by the negligence of the said stallinge & company belonging to her, suffered to breake from her anchors & in the night to runn aground at a place called Bowiers Bay, the said Stallinge the next day came to the said Defendant & did entreat for helpe to gett off the said shipp where upon the said Defend' saith he lent the said Stallinge the Longe Boat of the Diana, with twelve of her best men to help off the said shipp, but before they could get her afloat they were forced to unloade much of her provisions & goods & by the direction of the said Stallinge to carry them on shore uppon the South side of the River & afterwards with great labour brought the said shipp into Southampton River where the said Stallinge very negligently left her with only a boy to pump out the watter, the said shipp being extreme leaky by reason of the great hurt she tooke in running on ground at Bowiers Bay, & he the said Stallinge took all the rest of the Mariners & company to row him & some others up the river where in his way putting ashore at a place called Dancing Pointe, he happened to be slaine, after whose death his company went upp with their boatt unto the said complain' plantation, the said Defendant being then above at Charles Hundred bussie about the public affaires of the collony, the said complain' wrot upp to him & certified him of the death of the said Stallinge and how that his men & boatt weare at the said complainant's Plantation, whereuppon the said

¹ In May, 1619, Captain Edward Stallinge, commander of a ship belonging to Sir Ferdinando Gorges, was killed in a "private quarrel" (or duel) at Dancing Point, Charles City county, with Captain William Eppes.

defend^t understanding the misaccident of the said Stallinge's death & how also that the said shipp was left by him in doubt of perishing, and that divers of the goods & Provisions belonging to her were left on shore by the said Stallinge in hazard of the Indians whereby Sir Ferdinando Gorge owner of the said shipp might be much prejudiced, he, the said Defendant, forthwith in consideration thereof, gave warrant unto Capt. George Bargrave and one John Damerin to take the said Stallinge's men & Boatt & to go downe to Kicoughtan & taking Capt. Tucker then Commander there, to assist them to make a true Inventorie of all the goods & provisions belonging to the said shipp, & also with the said Boat & companie to fetch & bring together all things whatsoever that belonged to the said shipp & were by the said Stallinge left on shoar, upon the South side of the River at Newports Newes, or any other place & them to see laid upp in som house or Store where they might be preserved for the use of the said Sir Ferdinando Gorge, of which his proceedings the said defend^t saith he gave notice by Letters unto the said Sir Ferdinando entreatinge hime to appoint & send over some one whoe might receive them to his use, which afterwards the said Sir Ferdinando did & gave great thanks to the said Defend^t for his care & paines taken therein & for that also the said defend^t had employed his owne people & boatt in helping to bring the goods together which not long after were delivered unto one Ellis Cornish substituted by the said Sir Ferdinando as doth appear by a receipt under the hand of the said Ellis, which the said Defend^t hath to shewe, and the said defendant saith that the goods of the said shipp being on this laid upp as afore said, he gave licence unto the said shipp company to dispose of themselves for their owne best profitt, wher & in what place they thought good, some of whome soone after shipped themselves for England, others for Canada, one only whose name was Stoakes, entertained himself for the public service of the Colony. Moreover the said Defend^t saith that he was not att all acquainted that the said complain^t had hired any one or more of them to serve him either as his Servants or Tenants and saith that the sd. complaint. did never give him any notice of any such agreement, nor did then or after require of him that they might fulfill any covenant or agreement made, soe

that he verylie believeth that there was not any covenant made at all betweene the said complaint. & the said shipp company, and further saith that if any such things were donne by the said complain' as to hire into his service the said shipp company for the plantinge of Tobacco at such a time when their Captaine was newly slaine & the shipp & goods like to be utterly lost, that there was little respect had by the said complaint. to the damage that might thereupon ensue onto the sd. Ferdinando Gorge in the losse of his shipp & goods which shipp notwithstanding that all the care was taken that the said Defend' could devise for the speedy sending to her succour was sunke in the River ere the Boat could get downe and the said Defend' farther saith that if any bargaine or agreement had been made between the said comp' & the said shipp company that had been lawfull, he doubteth nott but the said comp' would have required justice at that time; that it might have been performed the which thing he never did either word or writing.

To the Fifth, the said Defend' saith that soone after his arrivall to be governor, having occasion for the public service to employ Ensigne Savage¹ as an Interpreter, he sent for him to the complain' at whose Plantation he then lived & saith that after the said Ensigne's returne, the like occasion required the sendinge of him againe butt saith that [he] was not acquainted by the said complainant that the said Ensigne was his hired servant, neither did the said complain' require the said Ensigne to be sent home againe, nor did the said defend' know that the said complaint. had any occasion to employ the said Ensigne to go abroad in his shallop & saith further that he did not understand that the said Ensigne was servant to the said complain' or any man else, but as a public interpreter, yet saith that if the said complainant had desired to have made use of the said En-

¹ Thomas, afterwards Ensign Thomas Savage, came to Virginia in 1607, when thirteen years old, and in 1608 was given by Newport to Powhatan in exchange for an Indian. He was for many years an interpreter. He settled on the Eastern Shore, and died in or before 1635, leaving a son, from whom the family of the name descends. For a notice of Thomas Savage and his descendants, see this Magazine, I. 443-445.

signe & had acquainted him the said Defend^t therewith, he beleeveh he should have beene redy to have shewed him curtisie therein, for that at this time & afterwards, the said Defend^t did unto the said complain^t make speciall favors which as he thinketh the said complain^t will be redy to acknowledge, one among the rest being the sending of him corne when both he & his people relied very great necessitie. and saith farther that he knoweth not nor doth beleeve that the said complain^t had at that time, whilst the said Ensigne was employed by the said defend^t for the public service of the colony, any intent to send forth his shallope on trading, for that his crop must have spoiled on the ground in the absence of his people.

To the sixth, the Defendant saith that the said complain^t was sent for to James Citie by the general Assembly who writt him a very curteous letter to that effect, the copie whereof the said Defend^t hath to shew their desier to commune with him as by the journall of the general Assembly will appere, was for that he sent from his Plantation two Burgesses to sitt in the Assembly & to have their voices there in the making of Lawes & orders for the good & peaceably governing of the Collony, unto which Lawes they the said Burgesses would not assure the said Assembly that the said Defend^t or any of the People that lived under his command would be obedient unto, but that he the said complain^t would notwithstanding any Lawes that should be made there govern & command by the authoritie of his private Pattent & strictly stand upon the priveleges whereof under the Protection of which said Pattent it was well known, to the Assembly that there lived at his Plantation divers bankrout & indebted persons with others of evill fame which said persons the said complain^t had & hath divers times protected against the authoritie of the public officers of this Collony & would not suffer them to be arrested for their debtes, but hath commanded the said public officers to depart his Teritorie, threatninge them otherwise to lay them neck & heeles, whereof the said public officers have complained to the said defend^t as he will be sworne & could have otherwise more strongly proved if the said officers were now alive, by which the said complainant opposition & resistance the cape Marchant of the ould Magazine hath been forced to stay for the debts of the said Magazine, as himself being now

here is able to witness. Another reason of the General Assemblies sendinge for the said complain' to commune with him might be & was concerninge an outrage done by some of the said complain' people to certain Indians in the Bay with whom we were in League & peace, & in taking away by violence from them a certain quantitie of corne at which act it seemed to the said Assembly the said complain' conived & complaint beinge therof made to the said defend' by opackanukdu who also was complained unto by the King on the Eastern shore to whom those people & the foresaid corne belonged, that satisfaction might be made, the said Assembly thinking the same but reson resolved to move the said complaint therein.

To the seventh, the said Defend' saith that uppon the day of the Massacre the said Defend' going upp in his shipp towards Flourdieu Hundred & the tide takeinge him short about Capt. Sanders his Plantation he manned his boatt & went on shore to search if any of the people might have been wounded, whom he might have saved and recovered, but searching the ground finding none, it guowing fowardes to night he retired to his ship purposing to send downe his boates the next day to have saved the corne which lay in Capt. Sanders his house with any other goodes which might have been found of worth to have been brought thence, the necessity & danger of the Defend' own plantation not permitting at that time his longer stay there, but the next day he had certaine newes that the houses and all things else therein were burnt he also saith that he doth not know of anything that was brought thence, save some poultrie that was brought from the roast at one Taylor's house a dweller there, together with a sow which he the said Defend' gave unto the master of the said shipp upon his request thereof as also one chest wherein as neere as he can remember was about sixty weight of very ill conditioned Tobacco, which he the said Defendt. bestoyed upon the marriners, purposing to pay for the said sow and Tobacco which he the said Defend' might as he thought well doe in regard the said Capt. Sanders died indebted to him, the summ of eighteen pound stirlinge as will appere by a bill of the said Capt. Sanders' hand which the said Defend' hath to shew, he saith also that the marriners did throw some small trumpery into the boat, things of litel or no value, the Indians having

carried away all other things as it should seeme by their strewing of old chestes & barrells about the fiede but weather there were at the said Capt. Sanders Plantation any goods at all belonging to the said complainant the said Defendant saith he knoweth not nor did he see or perceive that any thing was brought thence by any of his people save one young calf which died in the shipp and was throwne overbord before he got up to Flourdieu hundred, and farther saith that if the said complain' can prove that any thing was by him the said Defend' or by any other with his allowance brought thence he will be ready to make present satisfaction for the same to the right owners thereof. Moreover the said Defend' saith that he hath heard that non of the goods of the said complaint. were at the Plantation of the said Capt. Sanders, but were left by him the said complain' at his departure for England in his owne dwelling houses which were about a mielle distant from the said Plantation & where the said Defend' saith that neither he or any of his people ever came at that time or since the massacre and therefore the said Complain' shall doe him wrong if he accuse him of bringing anything thence where neither he nor any of his came.

To the Eighth, the Defendant saith that untill this time he never heard of any such thing but saith that he hath latly spoken with Ensign Chaplaine & then certified him of His demande of the complain' who told him the whole [*Sic*, but should be "he would"] take his oath that there was never any agreement made between him & the said Complaln' that two Kine should be delivered to the said Ensyne for Sattisfaction of the said Complain' bond & said that he never demanded any Kine of Capt. Sanders, nor did Capt. Saunders at any time make proffer to deliver him any, whereby it is not likely that the said Defend' did Command Capt. Saunders the Contrary.

To the ninth & last, the Defend' saith that untill this time he never heard of any such thinge but saithe that Lieut. Peppett being now in this Cittie it may please the Governor & Councill to examine him thereof.

Ent. p. JOHN SOUTHERNE [Clk. Council.]

[Enclosure in Letter to the Lords of the Council & company of Virginia. 4 Feb'y, 1624-5.]

STATE PAPER OFFICE, Colonial Vol. 3, No. 36, II, III.

Orders uppon the demande of Capt. John Martin, Esq., from Sir George Yeardley, Knight. At James cittie, Virginia, the 27th of Dec^r, 1624. Present: Sir Francis Wyatt, Knight, Gov^r, Capt. Francis West, Sir George Yeardley, Knight, Mr. George Sandys, Treas^r, Mr. Doctor Pott, Capt. Roger Smith, Capt. Raphe Hamor.

To the First & Fifth demandes of Capt. Martin concerning Sir George, it is referred until the coming up of Ensigne Savage.

To the Seconde it is ordered that Sir George Yeardley shall take his oath to the latter parte of his answer to the seconde demande which Sir George took accordinglie.

To the third demande the court conceiveth not that Mr. Luke Boyse received the Cattle by any order or warrant from Sir George and therefore he is not liable to damages for the same.

To the Fourth demande, Sir John [George] having taken his oath that he knows not that the said Stallinge's men were the hired servants of Capt. Martin or that ever Capt. Martin to his utmost remembrance did ever require them of him, & Capt. Martin confessing that he doth not precisely remember whether ever he demanded them of Sir George or not. The court conceaveth that Sir George is not liable to give him Satisfaction for the said pretended servants demanded.

To the sixth demand it is referred to the Gen'l Assembly, being an act of a Gen'l Assembly in Sir George Yeardley's time.

To the seventh demand it is ordered that Capt. Martin shall bring in his prooffe of such things as were taken away from Capt. Saunder's home by Sir George or any by his appointment more then himself confesseth in this answer.

To the eighth demand Ensigne Isacke Chapline upon oath doth deny that there was any such agreement as that he should receive any such two cattle of Capt. Saunders for sattisfaction of Capt. Martin's debt or that Capt. Saunders made any such tender to him, nor is there any prooffe to the contrarye, and we conceive the warrant of Sir George & the councill to be just & lawfull.

To the nynthe demand it appeareth by oath. not to concerne Sir George but that Lieut. Peppett is liable to make Sattisfaction to whom of right the said peece shall belong to.

THE COPIE OF SIR GEO. YEARDLEY'S & THE COUNSELE'S
WARRANT.

Whereas Capt John Martin, of Martin Brandon, Esquire, at his late departure from hence for England, did leave in the custody of Lieut. Edmund Sanders seaventeene head of cattle, viz: Seaven Milche kyne, one bull, three two Yearlings three Yearlinges & three suckinge calves, which cattle remain in controversie between him the said Capt. John Martin & Mr. John Bargrave, of Patricksbourne, in Kent, Esquire, being well persuaded of the integritie & honestie of the said Lieut. Edmund Saunders & finding him to be the fittest man for that purpose, we hereby approve & consigne to him the custodie of the said cattle, either until the said Capt. Jonn Martin's retorne into Virginia, or till the said controversie be ended between him & the said John Bargrave. In witness whereof we have to these presents sett our hands. Given at James Citie, May the 3rd, 1622. George Yeardley, George Thorpe, Nath. Powles, Tho. Nuce. John pory, Secry.

Ent' p. JOHN SOUTHERNE.

VIRGINIA MILITIA IN THE REVOLUTION.

(Continued from April, 1899.)

1777. Dec. 20. Broadnax, Capt. Edward, for pay of his 2d Lieut. (See Acco' sett^d 29th Sept. last), 6. 16. 2.

Bateman, Jethro, for Cart hire with Nansemond Militia, ₧^{ss} acco', £1. 17. 6.

24. Barrott, Smith, Serjeant, for pay of self & Guard on Sea Shore, ₧^{ss} acco', 17. 15. 4.

26. Brown, Samuel, for pay as Commissary from 8th Aug. to Nov^r 15th, 1776, ₧^{ss} acco', 15. —. —.

1778. Jan'y 8. Brown, Daniel, for provisions furnished the Kentucky Militia, ₧^{ss} acco', 8. 4. 5.